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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1584/2003

CHANDRAKANT GUPTA Vs. STATE OF RAJASTHAN & ANR.

DATE: 05.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. R.S. Mehta for the petitioner.
Mr. Sohan Lal Sharma for the respondents.

In this writ petition the controversy is that the petitioner is claiming plot No. 17 as the said plot was allotted by the Society in favour of the petitioner. The petitioner challenged the proceedings of liquidation of housing society and appointment of Liquidator who continued upto year 2000 and when the proceedings were completed, the Liquidator handed over the said plot No. 17 to the JDA.

It is not disputed that the JDA has auctioned the said plot in favour of Shri Vivek Goyal, Jagdamba Devi and Ranjish Goyal, residents of 1-Kha-24, Jawahar Nagar, Jaipur on highest bid of Rs. 34,92,994/- on 21.04.2003. It is also not disputed that the subsequent purchasers have not been impleaded as party respondents in this writ petition.

As per the settled proposition of law, no adverse order against the persons who are not made party respondents in this writ petition, can be passed by this Court.

It is also submitted on behalf of the respondents that the petitioner submitted an application before the Settlement Committee and the appeal filed by the petitioner is also pending before the State and without waiting any decision, the present writ petition has been filed by the petitioner and the same deserves to be dismissed as being premature.

Even otherwise also, in this writ petition the petitioner has challenged the auction notice dated 07.02.2003, whereas pursuant to the said notice, the said plot No. 17 situated at Usha Colony, Malviya Nagar, Jaipur has already been auctioned in favour of the aforementioned three persons. In such circumstances, the said notice cannot be quashed and set-aside as pursuant to the notice, auction proceedings have already taken place. Thus, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

The stay application also stands rejected.

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However, the petitioner is at liberty to pursue the remedy which has already been availed by him.

(K.S. RATHORE),J.

/KKC/